

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

INVESTIGATIVE POST, INC.,

Plaintiff,

24-CV-00129-JLS-MJR

v.

FEDERAL BUREAU OF INVESTIGATION and

DEPARTMENT OF JUSTICE,

Defendants.

---

**JOINT MOTION ACKNOWLEDGING SERVICE  
AND SETTING ANSWER DATE IN 30 DAYS**

Plaintiff Investigative Post, Inc., and Defendants the Federal Bureau of Investigation (FBI) and U.S. Department of Justice (DOJ) (collectively, “the Parties”) respectfully submit this Joint Motion Acknowledging Service and requesting to set a deadline for Defendants’ Answer 30 days following the filing of this motion.

On February 7, 2024, Plaintiff filed a Complaint pursuant to the Freedom of Information Act (FOIA). ECF No. 1. On June 13, 2024, Defendants filed a Motion to Dismiss for Failure to Properly Serve Defendants, arguing that Plaintiffs had not properly or timely served the United States Attorney’s Office for the Western District of New York (USAO-WDNY), and the docket contained no evidence of such service. ECF No. 5.

Since the filing of the motion, Plaintiff’s counsel has filed an Affidavit of Service (ECF No. 8) and has provided the undersigned with a certified mail receipt for service upon the USAO-WDNY.

Therefore, Defendants acknowledge that service was properly made on the appropriate parties and request that the Court deny the pending motion as moot. Furthermore, the Parties request that the Court set a deadline for Defendants to answer the Complaint 30 days from the filing of this motion on **August 5, 2024**.

DATED: Buffalo, New York, July 5, 2024

TRINI E. ROSS  
United States Attorney

S/Michael F. Higgins  
Counsel for Plaintiff  
Ernstrom & Drete, LLP  
925 Clinton Square  
Rochester, New York 14604  
(585) 473-3100  
[mhiggins@ed-llp.com](mailto:mhiggins@ed-llp.com)

BY: S/Scott Leeson Sroka  
SCOTT LEESON SROKA  
Assistant United States Attorney  
United States Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
[scott.sroka@usdoj.gov](mailto:scott.sroka@usdoj.gov)  
(716) 843-5831